IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN INSOLVENCY

PETITION NO.128 OF 2005

Tirath R. Mulchandani.
.. Debtor.

Exparte
Hongkong and Shanghai Banking Corpn. Ltd.
..Petg. Creditor.

CORAM: A.S. OKA, J.
DATE : SEPTEMBER 4, 2007

P.C.

1. None appears for the Petitioning Creditor. This petition is filed on the basis of a Recovery Certificate issued by Debt Recovery Tribunal. The Insolvency Notice was issued under sub-section-2 of Section 9 of the Presidency Town Insolvency Act,1891 on the basis of the claim in the Recovery Certificate. In view of the decision of this Court pronounced today in Notice of Motion No.40 of 2007 (Re. Kishore K. Mehta Vs. H.D.F.C. Bank Ltd), the Insolvency Notice could not have been taken out on the basis of the Recovery Certificate issued by the Debt Recovery Tribunal. Hence, this petition will not survive. Petition is accordingly, dismissed.

(A.S. OKA, J.)